

RESOLUTION NO. 3158

RESOLUTION GRANTING COMMUNITY ANTENNA
TELEVISION (~~CAN~~) FRANCHISE

After notice duly given, public hearing held, evidence received and good cause appearing therefrom, the following resolution is adopted:

RESOLVED that a non-exclusive Community Antenna Television (CATV) franchise is hereby awarded to Multi-View Systems, Inc., Lodi, California, subject to the following terms and conditions:

(1) This franchise is granted subject to all of the terms and conditions of the provisions of Ordinance No. 855 of the City of Lodi, as well as representations, statements and conditions set forth in the franchise application filed herein by Multi-View Systems, Inc. and the Grantee shall be bound by all of the terms of said ordinance, this resolution and franchise application.

(2) The term of this franchise shall be for a period of 20 years commencing February 21, 1968 and terminating at midnight on February 20, 1988.

(3) This franchise shall not become effective until Section 6 of said Ordinance No. 855 relating to written acceptance, bonds, insurance policies, etc., has been complied with by the Grantee. In the event that there is non-compliance with said Section 6 this resolution shall be of no force or affect.

(4) In accordance with Section 7 of Ordinance No. 855 this franchise is granted subject to the following condition: The CATV system herein franchised shall be used and operated solely and exclusively for the purpose expressly authorized by Ordinance of the City of Lodi and no other purpose whatsoever.

(5) This franchise is granted with the understanding that Section 10 of Ordinance No. 855 is hereby expanded to express the condition that in the event of a 60-day notice of forfeiture of franchise being given, that any transmission lines, conduits, poles and/or attachments that are not removed within 60 days after the expiration of the initial 60-day notice shall be deemed abandoned and become the property of the City of Lodi to be disposed of in the discretion of the City Council.

(6) Grantee shall pay to the City during the life of this franchise an annual franchise fee of 5% of its annual gross receipts for each of the first three years of said franchise operation and 6% thereafter or \$1,200 per year whichever is greater. Said franchise payments shall be paid to the City quarterly.

(7) Grantee agrees that the following rates shall be charged to subscribers for the services to be rendered by it:

Monthly service charge		
without auxiliary tuner -- Aerial		\$4.50
	Each extra outlet	.75
	Underground	5.50
	Each extra outlet	.75
Charge for auxiliary tuner (if applicable)		1.00
Installation charge		15.50

Note: Installation charge is waived in those cases where subscriber agrees to accept CATV service at the time it is first offered to him.

(8) Grantee shall not ~~make~~ any change in said rate without the prior consent of the City Council of ~~the~~ City of Lodi.

(9) This franchise may not be assigned without compliance with the provisions of Section 14 (d) of Ordinance No. 855.

(10) In the granting of this franchise the City Council of the City of Lodi does hereby express its intent that Section 15 (f) of Ordinance No. 855, which reads **as** follows:

"mere is hereby reserved to City the right to amend any section or part of this Ordinance **so as to** require reasonable additional or greater standards of construction, operation, maintenance, or otherwise, on the part of the Grantee"

imposes the duty, burden and obligation **upon** the Grantee of this franchise to at all times keep abreast of the rapid technological advances in the CATV industry and that the Grantee shall maintain and replace its equipment ~~so~~ that at all times during the life of this franchise its equipment shall produce the best picture, sound and service under the circumstances that is technologically possible. In the event of ~~the~~ Grantee's willful failure to comply with the intent expressed herein, such willful failure may constitute a breach of the aforesaid quoted Section 15 (f).

(11) Notwithstanding other terms and conditions herein set forth and set forth in Ordinance No. 855 and the franchise application, this franchise is granted **upon** the expressed condition that in accordance with the provisions of Section 17 of Ordinance No. 855 the City Council reserves unto itself the right to exercise its discretion **as to** whether the Grantee is proceeding with due diligence to obtain the necessary permits and render service to all of the participating subscribers in the City of Lodi. In the event the City Council determines after notice and hearing **to** the Grantee that the Grantee is not proceeding with due diligence, the City Council may, in the exercise of its discretion, terminate and cancel the franchise herein granted.

Dated: February 21, 1968

I hereby certify that Resolution No. 3158 was passed and adopted by the City Council of the City of Lodi in regular meeting thereof held February 21, 1968, by the following vote:

Ayes: Councilmen Brown, Culbertson, Hunnell, Walton and Kirsten

Noes: None

Absent: None

Bessie L. Bennett
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City Clerk